

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION**

Esoterix Genetic Laboratories, LLC, )  
  )  
  )  
Plaintiff, )  
  )  
  )  
v.                                     ) Civil Case No. 12-cv-411  
  )  
  )  
Life Technologies Corporation, )  
Applied Biosystems, LLC, and )  
Ion Torrent Systems, Inc., )  
  )  
  )  
Defendants. )  
  )

**DEFENDANTS LIFE TECHNOLOGIES CORPORATION,  
APPLIED BIOSYSTEMS, LLC, AND ION TORRENT SYSTEMS, INC.'S  
MOTION TO DISMISS CLAIMS OF PLAINTIFF'S COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Life Technologies Corporation, Applied Biosystems, LLC, and Ion Torrent Systems, Inc. (collectively, "Life") move this Court for an Order dismissing the patent infringement claims of Plaintiff Esoterix Genetic Laboratories, LLC ("EGL") that are premised on Life's alleged contributory infringement and willful infringement. As set forth more fully in the accompanying brief, EGL's Complaint fails to allege well-pleaded facts that make those claims plausible as required by Fed. R. Civ. P. 8(a)(2). The Court should, therefore, dismiss the contributory and willful infringement claims.

Respectfully submitted, this 12<sup>th</sup> day of July, 2012.

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*Counsel for Defendants Life Technologies Corp., Applied Biosystems, LLC, and Ion Torrent Systems, Inc.*

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of July, 2012, I electronically filed the foregoing MOTION TO DISMISS CLAIMS OF PLAINTIFF'S COMPLAINT with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants.

/s/ David M. Alban

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